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**To** Examiner, Dwayne K. Handy  
**Company** UNITED STATES PATENT AND TRADEMARK OFFICE  
**Fax number** (571) 273-8300  
**From** Bella Fishman  
**Date** February 28, 2008  
**Subject** U.S. App. No.: 10/829,640  
 Filing Date: 04/22/2004  
 Our Docket No.: 04-02 US  
**Pages** (including this sheet) 10

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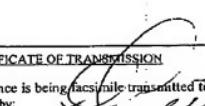
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Attached are the following documents for the above referenced patent application:

- Amendment Under 37 CFR 1.116

## CERTIFICATE OF TRANSMISSION

I, David Castro, hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on: February 28, 2008 by:  David Castro

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Docket No.: 04-02 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Swon et al.

Serial No.: 10/829,640

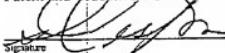
Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR  
AGITATING A SAMPLE DURING  
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1743

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February 28, 2008  
Signature Date Signed

Examiner, Handy, Dwayne K.  
Commissioner for Patents  
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AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

This is responsive to the final Office Action dated January 24, 2008, for which a shortened statutory period for reply is set to expire on April 24, 2008. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.